

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CIVIL ACTION NO 16-MD-2738 (FLW) (LHG)

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IN RE JOHNSON & JOHNSON : TRANSCRIPT OF
POWDER PRODUCTS MARKETING, : STATUS CONFERENCE
SALES PRACTICES. : SEPTEMBER 27, 2018
----- :

CLARKSON S. FISHER UNITED STATES COURTHOUSE
402 EAST STATE STREET, TRENTON, NJ 08608

B E F O R E: THE HONORABLE FRED A. L. WOLFSON, USDJ

A P P E A R A N C E S:

BEASLEY ALLEN, ESQUIRES
BY: P. LEIGH O'DELL, ESQUIRE (ALABAMA)
-and-
ASHCRAFT & GEREL, ESQUIRES
BY: MICHELLE A. PARFITT, ESQUIRE (VIRGINIA)
-and-
LEVIN PAPANTONIO, ESQUIRES
BY: CHRISTOPHER V. TISI, ESQUIRE (FLORIDA)
-and-
WILENTZ, ESQUIRES
BY: DANIEL R. LAPINSKI, ESQUIRE (NEW JERSEY)
On Behalf of the Plaintiffs Steering Committee

(Continued.)

* * * * *
VINCENT RUSSONIELLO, RPR, CRR, CCR
OFFICIAL U.S. COURT REPORTER
(609) 588-9516

A P P E A R A N C E S C O N T I N U E D :

DRINKER, BIDDLE & REATH, ESQUIRES
BY: SUSAN M. SHARKO, ESQUIRE (NEW JERSEY)
JULIE L. TERSIGNI, ESQUIRE (NEW JERSEY)
On behalf of Defendant Johnson & Johnson

SEYFARRTH & SHAW, ESQUIRES
BY: THOMAS L. LOCKE, ESQUIRE (WASHINGTON D.C.)
-and-
BARRY, McTIERNAN & WEDINGER, ESQUIRES
BY: PATRICIA S. CASAMENTO, ESQUIRE (NEW JERSEY)
On Behalf of Defendant PCPC

COUGHLIN DUFFY, ESQUIRES
BY: MARK K. SILVER, ESQUIRE (NEW JERSEY)
-and-
GORDON & REES, ESQUIRES
BY: ANN THORNTON FIELD, ESQUIRE (PENNSYLVANIA)
On behalf of Defendant Imerys Talc America

C E R T I F I C A T E

PURSUANT TO TITLE 28, U.S.C., SECTION 753, THE
FOLLOWING TRANSCRIPT IS CERTIFIED TO BE AN ACCURATE
TRANSCRIPTION OF MY STENOGRAPHIC NOTES IN THE
ABOVE-ENTITLED MATTER.

S/Vincent Russoniello
VINCENT RUSSONIELLO, CCR
OFFICIAL U.S. COURT REPORTER

1 (In open court.)

2

3 THE DEPUTY CLERK: All rise.

4 JUDGE WOLFSON: Thank you.

5 Good morning. Have a seat.

6 Having taken a look at the last status report
7 that was sent in yesterday, it doesn't look like we
8 have a lot of issues to address today. So we'll try
9 and get through it fairly quickly and move on.

10 I will tell you, I keep promising that you are
11 going to be getting some opinions on motions. They
12 are coming. There are a couple that should be ready
13 fairly quickly. We're slogging through, but they are
14 coming.

15 So let's talk about what you do have on the
16 agenda for today.

17 You said that you are still working on the
18 protocol for this TEM grid inspection for Imerys?

19 MS. O'DELL: Yes, your Honor.

20 JUDGE WOLFSON: How long is it going to go on?

21 MR. SILVER: Judge, we set a protocol. We got
22 plaintiffs' comments last week. We're going through
23 them now. We have to set up a meet and confer. That
24 will probably happen early next week, and then we will
25 be able to figure out what the next steps are from

1 there.

2 JUDGE WOLFSON: Okay.

3 How does this in any way impact the schedule
4 that we've already set?

5 MR. SILVER: In the defense opinion not at
6 all, your Honor.

7 MS. O'DELL: We don't anticipate it will
8 impact the schedule. Once we get the grids, your
9 Honor, Dr. Longo will likely look at them. It will
10 not impact the schedule.

11 JUDGE WOLFSON: Great.

12 You've updated me on the depositions that are
13 going on. I guess this is all going apace. It looks
14 like the bulk of this that you've already got
15 scheduled is going to be done during the month of
16 October. Right? You will be complete on this.

17 Then you've told me that there are some items
18 that may be coming to Judge Pisano with regard to
19 clawing back some documents.

20 Again, I think this involves Imerys. Right?

21 MR. SILVER: Yes, your Honor.

22 JUDGE WOLFSON: Okay.

23 Then there is an issue also that you said is
24 going to be addressed regarding redactions on asbestos
25 testing by the third-party R.J. Lee?

1 MS. O'DELL: That's right, your Honor.

2 R.J. Lee was the outside testing company that
3 was utilized both by Johnson & Johnson and at
4 different times Imerys. There was a third-party
5 subpoena that went to R.J. Lee. Testing results were
6 produced. I've got an example here.

7 Some of them were pertinent pages that relate
8 to the TEM testing that has been sort of front and
9 center are redacted. We did not get a privileged log.
10 And so we want to raise that with Judge Pisano
11 ultimately.

12 We still need to meet and confer with the
13 defendants about it, but we just wanted to put that on
14 the agenda for today.

15 JUDGE WOLFSON: Ms. Sharko.

16 MS. SHARKO: We learned about this for the
17 first time in the Tuesday night version of the agenda.

18 JUDGE WOLFSON: Okay.

19 MS. SHARKO: So we will look forward to
20 talking to the plaintiffs about it.

21 JUDGE WOLFSON: Do you know what that's about,
22 though, those redactions?

23 MS. SHARKO: No, not at all.

24 JUDGE WOLFSON: Or who made the redactions?

25 MS. SHARKO: Like I said, I learned about this

1 for the first time Tuesday night, and we'll meet and
2 confer. It was premature, frankly, to put it on the
3 agenda, but the plaintiffs wanted to.

4 JUDGE WOLFSON: Well, that's okay. I know
5 it's coming. But I'm just trying to figure it out.
6 Sometimes if I can head something off and you don't
7 have to make it a big issue, I like to do it.

8 Is Imerys aware of what these redactions are
9 about?

10 MR. SILVER: Again, your Honor, I got the same
11 notice at the same time.

12 JUDGE WOLFSON: All right. Then it's not ripe
13 for me to discuss today.

14 Now, I know you have given me some updates on
15 re-filings and amended complaints. But is there
16 anything I need to deal with in that regard? I don't
17 think so.

18 MS. PARFITT: Your Honor, I don't believe so.
19 I think what we have done is we have provided to the
20 defendants a chart of what we believe to be the
21 correct status of these cases. So we'll work through
22 that. I don't think it's anything we need to involve
23 the Court with at this time.

24 JUDGE WOLFSON: That's fine.

25 The next is expert discovery. I see here

1 there is a request, it says:

2 "Plaintiffs respectfully request that the
3 Court order the defendants to disclose the identity of
4 each of their expert witnesses and the subject matter
5 upon which the expert will offer opinions by
6 November 16, 2018," which is not included in the order
7 that I have.

8 When I did the order, it was based on allowing
9 the defendants to see what the plaintiffs' experts are
10 saying and who they think they want to respond to
11 that. So I certainly wouldn't do it simultaneously to
12 the date that you're serving your reports.

13 MS. PARFITT: Your Honor, may I be heard on
14 that?

15 JUDGE WOLFSON: Sure.

16 MS. PARFITT: What we are asking the Court to
17 do is, I know the Court has indicated in its order as
18 to the timely production of defendants' 26(b)
19 statements. But it's been about a year since we have
20 had the identity in just general areas or topics of
21 discussion that the plaintiffs would be addressing.

22 That's what we are asking now, whether beyond
23 that date or soon thereafter, we are simply asking, as
24 the Court asked us to do, to identify the identity of
25 those individuals in the general areas. And then, of

1 course, the order will follow after that with regard
2 to the actual reports.

3 JUDGE WOLFSON: I don't have a problem with a
4 date earlier than the actual submission of the reports
5 to identify them. It's just not going to happen in
6 November.

7 So, Ms. Sharko, obviously, you'll have
8 identified them at some point prior to the submission
9 of the reports in February. So when can we have an
10 identification of them?

11 MS. SHARKO: Well, I submit that the time for
12 us to identify them is in February when we serve their
13 reports. This request was made by the plaintiffs in
14 September, on September 6th of last year. Your
15 Honor, denied it. They asked again for --

16 JUDGE WOLFSON: But we're moving down now on
17 the actual date. I'm going to tell you, you have to
18 identify who your experts are going to be in the areas
19 in January. Obviously, they are going to be working
20 on these reports. And that's after you've already
21 completed the depositions of the plaintiffs' experts.

22 So you are in pretty good shape to know who
23 your experts are going to be. And, by the way, you're
24 not going to be held to it, if you decide you're not
25 going to use one of them, or you decide for some

1 reason you added some one else afterward. Okay. But
2 I think that's fair for them to have an idea of who is
3 coming down the pike in February.

4 So let's give a date of --

5 MS. SHARKO: January 30th?

6 JUDGE WOLFSON: No. Very, very good, Ms.

7 Sharko. That was quick on your part, but no.

8 Let's do January 7th, please.

9 MS. SHARKO: Could we have a little more time
10 after the Holidays because we're just going to be
11 finishing their expert depositions later in December.
12 So maybe January 15th?

13 JUDGE WOLFSON: Well, you have December 17th.
14 I'll give you to January 11th. You can have until the
15 end of the week. January 11th.

16 MS. SHARKO: And this is without prejudice to
17 not using them, or, if necessary, adding somebody?

18 JUDGE WOLFSON: It's without prejudice as to
19 the that. That's what I indicated, which is why I
20 didn't see that this is a real impediment for you, or
21 for Imerys, or whoever else.

22 MS. SHARKO: Thank you.

23 JUDGE WOLFSON: So we've got that,
24 January 11th.

25 What else have we got to talk about today?

1 MS. PARFITT: Your Honor, if I may, with
2 regard to, I believe it's Section 5 of the status
3 report, the "duplicate filed cases," again, we have
4 tried, your Honor, over the last couple of months to
5 see if we couldn't just get agreement with regard to
6 what the stipulation may look like, and really the
7 only issue is the plaintiffs are asking that the
8 stipulation be for these duplicate filed cases to be
9 without prejudice as opposed to with prejudice.

10 It appears the Federal Rules generally
11 prefers, and I think your Honor has actually preferred
12 in the past that her preference for dismissals to be
13 without prejudice. That is all we are asking.

14 The situation is this: There are duplicative
15 filings. We are trying to clean them up as well. But
16 you can imagine, we've got situations where we have
17 family members, multiple family members, siblings.
18 One sibling may have filed a case with a law firm.
19 Another sibling might file a case with another law
20 firm. There may be a spouse, and then there's a
21 child. So they are filed.

22 We don't have any intention of having
23 two cases move forward. But the situation is such
24 that we also don't want to place the plaintiff in a
25 situation where a judge comes in and dismisses it,

1 perhaps you, your Honor, but dismisses a case without
2 prejudice. You look at that or another judge looks at
3 that and says, It looks like all the claims have
4 already been dismissed, and then that case goes out
5 and they have absolutely nothing to go forward with.

6 So there is no disagreement that one case
7 should go forward, one plaintiff, one case, one set of
8 claims. The issue is we need a without prejudice so
9 we not lose cite of the individuals's right to move
10 their case forward. That's really the only dispute.

11 As I said, it appears the Federal Rules
12 prefers it without prejudice. Your Honor has
13 indicated in the past without prejudice in certain
14 situations.

15 We can work together. Again, this isn't one
16 of the situations where the parties can't try to
17 cooperate when we run into a problem because our
18 interests are the same: One case, one plaintiff, one
19 set of filings. It's just not quite that easy to do
20 and accomplish.

21 MS. SHARKO: Also, this has been going on for
22 a long time. It's not that complicated. We do it all
23 the time in other MDLs. And the order we propose, and
24 maybe it's time to submit competing orders to your
25 Honor because we need finality, is that the duplicate

1 filed case, whichever is going to be dismissed, should
2 be dismissed with prejudice because the plaintiffs
3 will pursue their claim in docket number whatever
4 other case.

5 And so it's not that the plaintiffs will have
6 nothing. They have two lawsuits right now. And it
7 shouldn't be that they have one lawsuit without
8 prejudice, which means that if they meet the
9 requirements of the rules they could come back and
10 they have their other lawsuit. The one they are going
11 to dismiss should be dismissed with prejudice subject
12 to the other case proceeding.

13 JUDGE WOLFSON: Okay.

14 MS. PARFITT: Your Honor, again, we have a
15 situation where these cases are in different courts,
16 different judges hearing. It could be a situation
17 where we have a res judicata issue here. We've got to
18 be very careful that we are not wholesale dismissing a
19 client's opportunity to be before the Court. That's
20 all we're asking.

21 JUDGE WOLFSON: But one of them has to be
22 dismissed with prejudice and it will go that way. But
23 if what it is, is that you need to have this
24 discussion so you could compare the two complaints and
25 you have to talk to a client to find out which is the

1 one that's raised all the claims and who is going to
2 proceed with them, that's a decision you have to make
3 anyway when you're going forward.

4 So what I don't want to have happen is
5 essentially because you want to dismiss without
6 prejudice because you're not sure that that's all been
7 accomplished yet, so that the other one may come back,
8 that is where we are, we have to decide which one is
9 going forward.

10 And so if it's a matter of how much time you
11 do it, it has been going on for awhile. I don't know
12 which plaintiff, individual plaintiff's lawyers may be
13 dealing with these duplicate filing. As you've
14 indicated, some of them are in different
15 jurisdictions. But the time has come for us to know
16 which of those two duplicate filings is going to go
17 forward, and the other one should be dismissed with
18 prejudice.

19 So, yes, it doesn't make sense otherwise.

20 MS. PARFITT: I understand what the Court is
21 saying, and Ms. Sharko indicates it's not complicated.
22 It is complicated in that we know what's before us
23 here in this court. I can't tell you, your Honor,
24 that I know what's before all the other courts.

25 I have an obligation, Ms. O'Dell and I, to

1 manage this and we have been trying to do our best to
2 manage those cases that are before your Honor by the
3 plaintiffs. I know you appreciate that.

4 JUDGE WOLFSON: Let me ask you this, though.
5 There are 93. Correct.

6 MS. PARFITT: Correct, that we're aware of.

7 JUDGE WOLFSON: Is what's happened that there
8 have been different law firms filing the duplicate
9 cases?

10 MS. PARFITT: Yes.

11 JUDGE WOLFSON: And so what you've got to deal
12 with is the fact that one lawyer says, Mine is the one
13 that survives, and the other one says, No, mine should
14 be the one that survives?

15 MS. PARFITT: Yes.

16 If you can imagine family court, we have
17 family court here involved as well. So it appears
18 perhaps on its face not to be complicated. But anyone
19 who has done family court proceedings would understand
20 it can be very, very complicated and it's not that
21 easy.

22 We're charged with protecting certainly all of
23 the plaintiffs before your Honor and we are trying our
24 very best to do that. So it is an issue. It really
25 is an issue.

1 JUDGE WOLFSON: None of these are ones where
2 the same lawyer has filed a case in two different
3 jurisdictions, for the same plaintiffs, I mean.

4 MS. PARFITT: I don't want to stand here and
5 say -- I'm not absolutely certain on all 93. I really
6 don't want to make that representation because I
7 candidly do not know the answer to that.

8 JUDGE WOLFSON: But it's generally the fact
9 that it's different lawyers.

10 MS. PARFITT: We have a lot. We've got a
11 couple of different law firms involved. They may not
12 be aware that they even have these issues.

13 And when they have that issue, it may be that
14 they believe, rightly so, that they have the proper
15 plaintiff before the Court, and another law firm
16 believes they properly have the plaintiff before the
17 Court.

18 JUDGE WOLFSON: And because these are ones
19 where there has been a death. So it's the surviving
20 relatives filing competing lawsuits, and likely ones
21 where there may not be an executor or executrix.

22 MS. PARFITT: That's the biggest one. I think
23 we have a potpourri of issues here because of it.

24 Even locating, I can tell you within my own
25 practice, we have this issue between siblings who come

1 to us and say, I'm the proper one. No, I'm the proper
2 one. Then they go elsewhere. I don't know where they
3 go if they are not satisfied with the advice that we
4 give them. So I suspect there are a lot of other
5 lawyers not as acutely aware of the proceedings as we
6 are as we come before you each month.

7 So it's a difficult thing to manage right now,
8 which is why we felt no harm without prejudice because
9 at the end of the day what I can represent to the
10 Court, there is only going to be one case going
11 forward.

12 At that point in time, I think you can figure
13 it out. But at this stage, I still think it's
14 premature because to disband and say automatically
15 that these all have to be for prejudice, that doesn't
16 seem to be terribly workable for us. I think it's
17 prejudicial.

18 MS. SHARKO: But it's equally unworkable to
19 have these things in limbo and have no finality.

20 So here is what I suggest: There are 93 of
21 these. They are all before your Honor. What we did
22 in the last couple of months in the Xarelto MDL before
23 Judge Fallon where there was the issue, he entered an
24 order to show cause requiring all the lawyers to come
25 in, and then I guess duke it out in the courtroom as

1 to whose case would go forward. And you know what?
2 The problem got solved.

3 JUDGE WOLFSON: I'm going to suggest that I
4 sort of deal with it and I bring it to a head. It's a
5 lot of work for you. And actually that was what -- I
6 don't know Judge Fallon or what that person did, but
7 it was going to be my suggestion.

8 MS. SHARKO: Good.

9 MS. PARFITT: Your Honor, if I may, we haven't
10 had -- it apparently happened with Judge Fallon. But
11 I wouldn't say that that has been the common practice
12 in the MDLs we've been involved in.

13 JUDGE WOLFSON: Well, this is what my
14 suggestion is, because I understand it's a lot of work
15 for you people to deal with these different law firms
16 and, as you put it, it's like a family court
17 situation, not just with the actual plaintiffs who
18 filed them, but with their attorneys who want to have
19 the right to bring it forward.

20 So my suggestion is: If I enter an order that
21 says, and I'll give it a date, to come in on these
22 cases so that we can resolve which one of these two,
23 because it's going to be clear, it's not two cases
24 going forward, some of them may agree with each other
25 in the interim.

1 Certainly, feel free to talk to the lawyers if
2 they want to engage you in deciding which one looks
3 like the right one should be going forward. And if
4 they can't agree, they can come in and tell me and
5 I'll figure it out and you won't be on the hook.

6 That is really where I am. I'm looking to
7 protect the lawyers that I have here for anyone coming
8 back to you saying, How could you possibly dismiss
9 that one. That was the right one. But they've got to
10 make an election at this point, and we need to.

11 MS. PARFITT: I think it's correct, and I
12 would like to state on the record, that it hasn't been
13 the common practice to do that. It seems to have been
14 working in other MDLs -- I appreciate what the Court
15 is suggesting -- but it has been working in other
16 courts, certainly other cases that we've been involved
17 in. That's why we were actually surprised this would
18 be the beef that we had to address.

19 JUDGE WOLFSON: Well, I would like to give it
20 some finality at this point. So I would like to go
21 that way. And I would hope that doing that, and when
22 the notice goes out to these lawyers, that amongst
23 each other they could figure this out.

24 If there was an executor and executrix, that's
25 the person who makes the decision about filing suit.

1 If there was an administrator appointed, that should
2 be the person who makes the decision on filing suit.
3 If none of those things occurred, then we have to look
4 at, Okay, let's talk about who is the closest relative
5 who could do this.

6 As you say, if you have two different siblings
7 doing it, come on, let's get real, they want to join
8 together in one lawsuit? Let them both do it
9 together. I don't care. That's really an option.

10 They don't really care who the named plaintiff
11 is. It could be two sisters. It could be a brother
12 and a sister. It doesn't really matter unless they
13 are estranged and that's when it gets ugly and that's
14 why they are doing it that way. Those are the few
15 cases, hopefully, that we would only have to deal
16 with.

17 MS. O'DELL: Your Honor may I just add
18 something?

19 JUDGE WOLFSON: Yes.

20 MS. O'DELL: From our perspective I think in
21 many instances there may be agreement, and it may be
22 there are law firms that weren't aware of the other
23 and now they come together.

24 Our overarching concern is that the case
25 that's dismissed is not used, that dismissal with

1 prejudice, is not later used maybe even years down the
2 road to somehow have res judicata effect or claim
3 preclusion effect on the case that's going forward.

4 JUDGE WOLFSON: It can't possibly. You can
5 put the language in. It totally protects that. And
6 there is no way that these attorneys are going to
7 suggest that's not the case.

8 Language clearly has to indicate that the
9 reason that this is being dismissed is because it was
10 a duplicate filing to X case, that case, and all the
11 claims in that case survive and go forward. This is
12 not an adjudication on the merits. It's simply a
13 duplicate filing.

14 MS. O'DELL: That's our concern.

15 JUDGE WOLFSON: That's the language you have
16 to put in. Absolutely.

17 MS. SHARKO: We agree with that.

18 JUDGE WOLFSON: Good.

19 That's what protects you and your concern
20 about down the road. Other than that, we have to get
21 them to have their moment of deciding who goes
22 forward.

23 As I said, one of the solutions is, if they
24 are not estranged and they both want to be named for
25 some reason, fine, they'll have the obligations of

1 being a name plaintiff. I don't care. That's another
2 way of dealing with it.

3 But I have to give it a date for a return date
4 with the hope that virtually all of these will be
5 taken care of within that time period. And if they're
6 not, I'd have a very few that come in.

7 So let's take a look. What do you think is a
8 fair time to get these lawyers to appear, if they have
9 to appear, or want to appear, or tell you what they
10 are doing?

11 I don't think we have another date on our
12 calendar, do we, or do we have one?

13 MS. SHARKO: We don't.

14 MS. PARFITT: We do not.

15 I wouldn't think anything under 60 days, your
16 Honor. I think we need to give them some time.

17 JUDGE WOLFSON: That also gives you plenty of
18 time to tell them, This is what's going to happen. If
19 you don't want to have to come to New Jersey, then
20 let's work this out.

21 Can I have the calendar, please?

22 (Pause.)

23 JUDGE WOLFSON: How about the week after
24 Thanksgiving? I'm available Wednesday or Thursday of
25 that week, the 28th or 29th of November.

1 MS. SHARKO: Either is fine with me.

2 MR. SILVER: It works Imerys, your Honor.

3 Preferably, the 28th.

4 MS. O'DELL: Those dates are fine with us for
5 hearings, your Honor.

6 JUDGE WOLFSON: I heard a request that the
7 28th was preferred. So we'll do the 28th of November
8 at 10:30.

9 To do the appropriate order, order to show
10 cause, I need to have a list of those cases and I
11 certainly don't mind if you want to work on an order
12 that you want to submit to me. I would like it
13 quickly so they're put on notice.

14 Although, I'm guessing you can go back and
15 you're going to send an email or whatever to them
16 anyway, so they'll know the date and save it. But I
17 don't mind if you want to work on that language
18 together and then attach all of those cases.

19 MS. PARFITT: Very good.

20 MS. SHARKO: We will.

21 JUDGE WOLFSON: So November 28th, 10:30. And
22 then we'll just use that as our status date, too.
23 There is no reason for you to come in on two separate
24 dates.

25 MS. PARFITT: That works. Thank you.

1 JUDGE WOLFSON: You tell me: Do you think
2 that there is anything that we're going to need to
3 address to put on a conference at the end of October,
4 or do you want to wait until the end of November?

5 MS. SHARKO: I think we can wait until the end
6 of November.

7 MS. PARFITT: We agree, your Honor.

8 JUDGE WOLFSON: Okay.

9 So instead how about if you send me a status
10 letter, as you did in August, and send me a status
11 letter then on October 25th.

12 MS. SHARKO: Okay.

13 JUDGE WOLFSON: And then our in-person status
14 will be the November 28th date at 10:30, together with
15 that order to show cause with whoever might be coming.

16 MS. SHARKO: So this will be Ms. Tersigni's
17 last status until April because her baby is due in
18 November.

19 JUDGE WOLFSON: We'll miss you. I think Wayne
20 will miss you. Congratulations.

21 MS. SHARKO: I will miss her.

22 JUDGE WOLFSON: Good wishes. We'll see how
23 smoothly things go when you're out. Okay. We'll see.
24 Be well.

25 Anything else you want to bring up today?

1 MS. SHARKO: Not from the defense.

2 JUDGE WOLFSON: Okay.

3 And, I take it, we won't be moving up any of
4 these dates in the Daubert schedule. Right? We'll
5 just be sticking with June 11th, I assume.

6 MS. SHARKO: Yes.

7 JUDGE WOLFSON: Okay.

8 I'll need to know at some point how many days
9 we're anticipating if we're going to have to bring in
10 experts for the Daubert hearing, how many days I need
11 to devote to those hearings, so I can appropriately
12 schedule that on my calendar.

13 MS. PARFITT: Your Honor, we can confer and
14 it's certainly understandable.

15 JUDGE WOLFSON: We put things out so far.

16 MS. PARFITT: We can discuss it because
17 depending on the number, obviously, the number of
18 reports we provide the Court.

19 JUDGE WOLFSON: And it may be you are not
20 going to want to bring in every one of those witnesses
21 for a Daubert hearing. Some of them you may feel that
22 you're prepared or that you think you'll have enough
23 to submit on the deposition transcripts you are giving
24 me and the reports.

25 Certainly, I would suggest to all of you that

1 those that you consider your front and center primary
2 experts really to carry the day, I'm going to want to
3 hear from and see. Okay?

4 MS. PARFITT: Very good.

5 JUDGE WOLFSON: That is just generally my
6 practice in Daubert hearings particularly in
7 substantial or complex cases. I want to see them and
8 hear them. And it gives me the opportunity to ask
9 questions too that are left open for me, which you
10 can't do once you've already taken the deposition.

11 I guess what I'll do for the time being is,
12 how about if we block out, the 11th was a Tuesday,
13 we'll block out the rest of that week at the very
14 least, and then maybe the following week.

15 MS. SHARKO: Yes, I think two weeks would be
16 safe just to have it.

17 JUDGE WOLFSON: We will not sit on the 21st
18 regardless. I have a son getting married that
19 weekend. So no later than the Thursday we'll be done
20 that week. If we have to return, we'll just come back
21 the following week, the week of the 24th, so you know
22 what to plan for.

23 So it's four days on June 11th, and the
24 following week is four days, and we'll see where we
25 are, and obviously we'll talk about it the closer we

1 get to those dates.

2 Anything else?

3 MS. PARFITT: Not from me.

4 JUDGE WOLFSON: Great. Thanks for coming in
5 today. If you have something that comes up, you know
6 how to get ahold of me. Otherwise, everyone have a
7 good couple of months and Thanksgiving.

8 And good luck on the baby.

9 MS. TERSIGNI: Thank you.

10 THE DEPUTY CLERK: All rise.

11 (Proceedings concluded.)
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C E R T I F I C A T E

I, **Vincent Russoniello**, Official United States Court Reporter and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

S/Vincent Russoniello
Vincent Russoniello, CCR
Certificate No. 675

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